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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,624	03/12/2001	Glen McLean Harris	HARR-004	3168
7590	10/23/2003		EXAMINER	AU, SCOTT D
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			ART UNIT	PAPER NUMBER
2635				
DATE MAILED: 10/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/804,624	HARRIS ET AL.
Examiner	Art Unit	
Scott Au	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 June 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Harris et al. for a "Remote control multimedia content listing system" filed March 12, 2001 has been examined.

Claims 1-19 are pending.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract exceeds 150 words in length, which should be avoided. It does not comply with the guidelines.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by August et al. (U.S# 5,671,267).

Referring to claim 1, August et al. disclose a remote control multimedia content listing system, comprising:

A control station (50) (i.e. a central provider) for providing configuration data;
A housing (see Figure 3);
A display (325) within said housing;
An electronic system (10) (i.e. a handset unit) in communication with said display (325), wherein said electronic system (10) (i.e. a handset unit) for communicating with said control station (50) (i.e. a central provider) for receiving said media guide; and an input means comprises a keypad (360) (col. 3 lines 17-37 and col. 5 lines 23-26; see Figures 1 and 3).

Referring to claim 2, August et al. disclose a remote control multimedia content listing system of claim 1, wherein the input means comprises a keypad (col. 5 lines 23-26; see Figure 3).

Claims 7-10 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brotz et al. (U.S# 6,374,404).

Referring to claim 7, Brotz et al. disclose a method of using a remote control multimedia content listing system system having an electronic system with a communication device (112)(i.e. DTV Set-top-box), an input device (106) (i.e. input device), a display (105) (i.e. display device), and a means (108) (i.e. digital modem) for communicating with a control station(190 and 180) (i.e. a digital TV broadcaster and a world wide web), said method comprising the steps of (i.e. see Figure 1B):

- (a) entering a media record into said electronic system ;
- (b) storing said media record within said electronic system into a media storage;
- (c) repeating step (a) and (b) for addition media media records (i.e. steps a,b and c referring to Figure 7A; col. 10 line 58 to col. 11 line 4; see Figure 5);
- (d) uploading said media storage to said control station (i.e. step 452);
- (e) determining an identity of media that corresponds with each said media record of said media storage (i.e. step 454); and
- (f) generating a configuration data for said electronic system that allows said electronic system to display a media guide (i.e. steps 453-462).

Referring to claim 8, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 7, including the step of:

- (g) transferring said configuration data to said electronic system (i.e. steps 460-462).

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Referring to claim 9, Brotz et al. disclose the method of using a remote control content listing system of claim 8, including the step of:

- (h) storing said configuration data within said electronic system (i.e. step 462).

Referring to claim 10, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 9, including the step of:

- (i) displaying said media guide upon said display (i.e. step 466) (col. 9 line 45 to col. 10 line 19; see Figure 5).

Referring to claim 11, Brotz et al. disclose a method of using a remote control multimedia content listing system having an electronic system with a communication device, an input device, a display and a means for communicating with a control station, said method comprising the step of (i.e. see Figure 1B):

- (a) accessing a web page of said control station (452) (i.e. accessing desired web page);
- (b) inputting media data into said web page (452) (i.e. inputting the media data); and
- (c) generating a configuration data for said electronic system that allows electronic system to display a media guide (453 to 462) (col. 10 line 58 to col. 11 line 4; see Figure 5).

Referring to claim 12, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 11, including the step of:

- (d) transferring said configuration data said electronic system (i.e. steps 460-462)
(col. 10 line 58 to col. 11 line 4; see Figure 5).

Referring to claim 13, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 12, including the step of:

- (e) storing said configuration data within said electronic system (i.e. step 462) (col.
10 line 58 to col. 11 line 4; see Figure 5).

Referring to claim 14, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 13, including the step of:
(f) displaying said media guide upon said display (i.e. step 466) (col. 9 line 45 to col.
10 line 19; see Figure 5).

Referring to claim 15, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 11, wherein said media guide includes a television guide (col. 5 lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (US# 5,671,267) in view of Graczyk et al. (US# 6,628,340).

Referring to claim 3, August et al. disclose the remote control multimedia content listing system of claim 1 above. However, August et al. did not explicitly disclose wherein the media guide is comprised of music information and video information.

In the same field of endeavor of multipurpose computerized television system, Graczyk et al. teach media guide is comprised of music information and video information (col. 4 lines 36-53, col. 5 lines 5-25) in order to entertain the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made include that wherein the media guide is comprised of music information and video information of system disclosed by Graczyk et al. into system of August et al. with the motivation for doing so would entertain the user with music and video imagery.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (US# 5,671,267) in view of Brotz et al. (US# 6,374,404).

Referring to claim 4, August et al. disclose the remote control multimedia content listing system of claim 1 above. August et al. Disclose further wherein said means for

communicating with said control station is comprised of a global computer network (col. 3 lines 17-22). However, Brotz et al. Also disclose wherein said means for communicating with said control station is comprised of a global computer network (col. 6 lines 25-29) in order to provide the desired search results for the user.

Referring to claim 5-6, August et al. in view of Brotz et al. disclose the remote control multimedia content listing system of claim 4 above. Brotz et al. disclose wherein said control station includes a web page for receiving media information.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz et al. (US# 6,374,404) in view of Graczyk et al. (US# 6,628,340).

Referring to claim 16, Brotz et al. disclose the method of using a remote control multimedia content listing system of claim 11 above. However, Brotz et al. did not explicitly disclose wherein the media guide includes a music guide.

In the same field of endeavor of a multipurpose computerized television system, Graczyk et al. teach wherein the media guide includes a music guide (col. 5 lines 15-26) in order to provide music to entertain the user.

Referring to claim 17, Brotz et al. in view of Graczyk et al. disclose the method of claim 16 above. Graczyk et al. disclose further wherein said music guide is comprised

of information relating to music media contained within a user's home stereo system (col. 12 lines 60-65 and col. 20 lines 39-41).

Referring to claim 18, Brotz et al. in view of Graczyk et al. disclose the method of claim 16 above. Graczyk et al. disclose further wherein said music guide is comprised of information relating to compact discs contain within a user's home stereo system (col. 20 lines 39-41).

Referring to claim 19, Brotz et al. in view of Graczyk et al. disclose the method of claim 18 above. Graczyk et al. disclose further including the steps of:

- (d) selecting a media event to be displayed or listened to by said user (col. 4 line 36-53);
- (e) transmitting a control signal to an electronic device to play said media event (col. lines 5-13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sekiguchi (US# 6,288,799) discloses an image communicating apparatus having an image outputting into the Intranet.

Ellis et al. (US# 6,275,268) disclose an electronic television program guide with remote product ordering.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9314 for regular communications and (703)-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

Oct 3, 2003

SA

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